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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,083	03/25/2004	Christopher L. Oesterling	GP-304641 (2760/164)	7667

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EXAMINER

EKONG, EMEM

ART UNIT	PAPER NUMBER
2688	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,083

Applicant(s)

OESTERLING, CHRISTOPHER L.

Examiner

EMEM EKONG

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2, 4-11, and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0142678 A1 to Norman Krasner (Krasner).

Regarding claim 1, Krasner discloses a method of operating a vehicle telematics device as a communication gateway, comprising (see figure 1):

detecting a wireless access point (mobile device) with a vehicle telematics device (detection system) (see figure 1); establishing a communication gateway (wireless link) between the detected wireless access point and a service provider (PSAP) utilizing the vehicle telematics device (par. 0042); and communicating data between the wireless access point and the service provider via the communication gateway (pars. 0042-0045, and 0069-0072).

Regarding claim 2, Krasner discloses the method of claim 1, wherein detecting the wireless access point (mobile device) comprises receiving a transmission from a wireless modem unit (detection system) (see figure 2, and

pars. 0042-0044).

Regarding claim 4, Krasner discloses the method of claim 1, wherein establishing the communication gateway (wireless link) between the detected wireless access point (mobile device) and the service provider (PSAP) comprises: receiving identification information from the detected wireless access point (mobile device); transmitting the received identification information to the service provider for authentication (authentication is performed when information about a person is retrieved) (see figures 4 and 5, pars.0008, 0057- 0062, 0084 and 0085); receiving a data stream for the wireless access point from the service provider(PSAP); and transmitting the received data stream to the wireless access point (mobile device) (see figures 2 and 3, and pars.0057- 0062).

Regarding claim 5, Krasner discloses the method of claim 4, further comprising: receiving a data stream for the communication gateway (wireless link) from the service provider (PSAP), the data stream including instructions for the communication gateway; and implementing the received instructions (emergency or vehicular information received are implemented) (pars. 0012-0014, and 0057-0062).

Regarding claims 6-8 and 15-17, Krasner discloses the computer readable medium with computer readable code and method of claims 1 and 10, wherein establishing the communication gateway between the detected wireless access point and the service provider comprises:

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establishing communication between the communication gateway (wireless link) and the detected wireless access point (mobile device) utilizing a first communication protocol (par. 0016); and

establishing communication between the communication gateway and the service provider (PSAP) utilizing a second communication protocol (reads on claims 6 and 15) (pars. 0016-0021);

the first communication protocol is selected from the group consisting of: 802.11 series, Bluetooth, Wi-Fi, direct-sequence spread spectrum, frequency-hopping spread spectrum, and shared wireless access protocol (reads on claims 7 and 16) (par. 0016);

and the first communication protocol is a FCC Part 15 protocol (reads on claims 8 and 17) (pars. 0014-0016 and 0033).

Regarding claims 9, and 18 Krasner discloses the computer readable medium and the method of claims 1 and 10, wherein the data is pre-packaged at the service provider for compatibility with a wireless access point protocol (see figs. 1-5, pars. 0016-0021, 0044, and 0045).

Regarding claim 10, Krasner discloses a computer readable medium storing a computer program comprising: computer readable code for detecting a wireless access point (mobile device) with a vehicle telematics device (detection system) (see figure 1); computer readable code for establishing a communication gateway (wireless link) between the detected wireless access point and a service provider (PSAP) utilizing the vehicle telematics device (par. 0042); and computer readable code for communicating data between the wireless access point and

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the service provider via the communication gateway (see figure 4, and pars. 0042-0045).

Regarding claim 11, Krasner discloses the computer readable medium of claim 10, wherein the computer readable code for detecting the wireless access point (mobile device) comprises computer readable code for directing the reception of a transmission from the wireless access point (see figures 2, and 4, pars. 0050, and 0059-0061).

Regarding claim 13, Krasner discloses the computer readable medium of claim 10, wherein the computer readable code for establishing the communication gateway (wireless link) between the detected wireless access point (mobile device) and the service provider (PSAP) comprises: computer readable code for directing the reception of identification information from the detected wireless access point (mobile device); computer readable code for directing the transmission of the received identification information to the service provider for authentication (authentication is performed when information about a person is retrieved) (see figures 4 and 5, pars. 0008, 0057- 0062, 0084 and 0085);

computer readable code for directing the reception of a data stream for the wireless access point from the service provider; and computer readable code for directing the transmission of the received data stream to the wireless access point (see figures 2 and 3, and pars. 0057- 0062).

Regarding claim 14, Krasner discloses the computer readable medium of claim 13, further comprising: computer readable code for directing the

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reception of a data stream for the communication gateway (wireless link) from the service provider (PSAP), the data stream including instructions for the communication gateway; and computer readable code for implementing the received instructions (emergency or vehicular information received are implemented) (pars. 0012-0014, and 0057-0062).

Regarding claim 19, Krasner discloses a system for operating a vehicle telematics device as a communication gateway (wireless link), comprising (par. 0003) means for detecting (detection system) a wireless access point (mobile device) with a vehicle telematics device (see figure 1); means for establishing a communication gateway (wireless link) between the detected wireless access point (mobile device) and a service provider (PSAP) utilizing the vehicle telematics device (par. 0042); and means for communicating data between the wireless access point (i.e. mobile device) and the service provider (PSAP) via the communication gateway (wireless link) (pars. 0042-0045).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasner in view of U.S. Publication No. 2004/0198255 A1 to Hayashida.

Krasner discloses the computer readable and method of claims 1 and 10, wherein detecting the wireless access point (mobile device) comprises: transmitting a polling message (event message) (see figure 3, pars. 0044, and 0057-0060).).

However, Krasner fails to disclose receiving a response to the polling message, the response generated by the wireless access point.

Hayashida discloses receiving a response to the polling message, the response generated by the wireless access point (i.e. stolen car notification center) (pars. 0033, and 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Krasner, such that a response to the polling message is generated by the wireless access point as taught by Hayshida for the purpose of offering emergency assistant.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to a vehicle telematics device:

U.S. Pub. No. 20040176935 A1 to William D. Sproule et al.

U.S. Pub. No. 20050065779 A1 to Gilad Odinak

U.S. Pub. No. 20050197154 A1 to Robert Leon et al.

U.S. Pub. No. 20020000930 A1 to R. Michael Crowson et al.

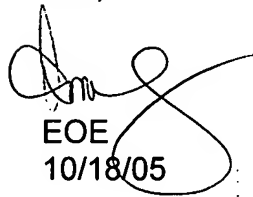
U.S. Pub. No. 20020184062 A1 to Melvin Diaz.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EOE
10/18/05


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PRIMARY EXAMINER